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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,813

06/26/2003

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1293.1746

2773

21171 7590 05/15/2008

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EXAMINER

ORTIZ CRIADO, JORGE L

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

05/15/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/603,813	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> JORGE L. ORTIZ CRIADO	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01/30/2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-12, 14-16 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12, 14-16 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102/103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10-12, 14-16, and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kuroda et al. U.S. Patent No. 6,144,625.

Regarding claim 10, Kuroda et al. discloses an apparatus identifying a disc type (see Figs 1-2, 6; see col. 6, lines 25-67; col. 11, lines 9-11), comprising:

a servo controller that enables tracking and focusing (see col. 7, lines 45-59; col. 9, lines 18-24);

an RF amplifier (7, 7a) that produces a push-pull signal from a light wave reproduced from a disc; and

an LPP signal detector (13) that detects a certain voltage level (reference value) in the push-pull signal immediately after the servo controller enables tracking (see col. 8, lines 6-29; see Fig. 6, immediately after step 11 col. 11, lines 29-34);

wherein if the certain voltage level is detected (see col. 8, lines 6-29) the disc is identified as a DVD(-)/ "R" type disc (see Fig. 6, step 25 "YES", step S23) and if the certain voltage level is not detected the disc is identified as a DVD(+)/ "other" type disc (see Fig. 6, step 25 "NO", step S17) and

wherein the LPP detector (13) detects an LPP signal according to detection of the certain voltage level by slicing the push-pull signal at a constant level (see col. 8, lines 6-29).

Kuroda et al discloses wherein the DVD are recordable discs and determines that the disc is a DVD(-)/ "R" type disc when the LPP signal is detected, and that the disc is a DVD(+)/ "other" type disc when the LPP signal is not detected, hence determines disks among DVD (-) and DVD (+), such as read only (R) or Rewritable (RW), and therefore meets the claim.

In the alternative, assuming *arguendo* that Kuroda et al does not mention or disclose that these types of discs are in fact included among them, the examiner takes Official Notice with documentary evidence, that DVD(-) type discs, including DVD-RW and DVD-R discs, and DVD(+) type discs, including DVD+RW and DVD+R discs, are old and well known in the art, evidenced by Applicant's Background of the invention (admission of prior art) [003]-[005].

Therefore, it would have been obvious to one of ordinary skill in the art to determine disks between DVD (-) and DVD (+), specifically RW and R type discs, since Kuroda et al

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teaches discriminating between DVD(-)"/"R" type discs and DVD(+)"/"other" type discs, and because RW and R type discs are known to be included among DVD (-) and DVD (+) type discs.

Regarding claim 11, Kuroda et al. discloses wherein the LPP detector (13) detects an LPP in the push-pull signal by detection of the certain voltage level (see col. 8, lines 6-29).

Regarding claim 12, Kuroda et al. discloses a system controller (9) that controls a disc drive and identifies the disc type (Figs 1).

Regarding claim 14, Kuroda et al. discloses an optical detector (1) that detects the light wave reflected from the disc (see Fig. 1).

Regarding claim 15, Kuroda et al. discloses wherein the optical detector (1) comprises: a structure divided into four sections having a first photodiode, a second photodiode, a third photodiode, and a fourth photodiode (see Fig. 1).

Regarding claim 16, Kuroda et al. discloses wherein the RF amplifier (7, 7a) comprises: a current-to-voltage converter having a first amplifier, a second amplifier, a third amplifier, and a fourth amplifier, wherein the four amplifiers convert output signals from corresponding first through fourth photodiodes of the optical detector to voltage values (inherent to Kuroda et al.); and

a push-pull operator having a first adder (19), a second adder (20), and a subtracter (21), wherein the first adder adds output signals of the first amplifier and the second amplifier to produce a first added signal, the second adder adds output signals of the third amplifier and the fourth amplifier to produce a second added signal, and the subtracter adds the first added signal and the second added signal to produce the push-pull signal (see Fig 2, # 7a).

Regarding claim 18, Kuroda et al. discloses an optical detector (1) having a bi-sectional structure that includes a first photodiode (B1B4) and a second photodiode (B2B3) (see Fig 2).

### ***Response to Arguments***

Applicant's arguments filed 10/603/813 have been fully considered but they are not persuasive.

Applicant argues that the Kuroda et al reference fails to disclose, suggest that LPP signal detector that detects a certain voltage level in the push-pull signal immediately after the servo controller enables tracking.

The examiner cannot concur because Kuroda et al. clearly specifies immediately after the servo controller enables tracking, see Fig. 6, immediately after step 11- col. 11, lines 29-34, where is for example after the tracking servo loop is formed in a closed condition so that that tracking control is performed.

Kuroda discloses detecting by the LPP signal detector (13) at step s25 immediately after the tracking control is enabled/performed at step s11.

Applicant argues that Kuroda also have also error detections performed in some steps (.s28, s29), in response, the fact that Applicant has recognized another features in Kuroda, it is noted all the claimed features are found and met by Kuroda. The fact that applicant has recognized another advantages which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE L. ORTIZ CRIADO whose telephone number is (571)272-7624. The examiner can normally be reached on Mon.-Fri 10:00 am- 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge L Ortiz-Criado/  
Primary Examiner, Art Unit 2627